

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION

UNITED STATES OF AMERICA)	
)	CRIMINAL ACTION NO.
v.)	1:06cr107-MHT
)	(WO)
MICHAEL D. HARVEY)	

ORDER

This cause is before the court on the question of whether defendant Michael D. Harvey is mentally competent to understand the nature and consequences of the proceedings against him and to assist properly in his defense. 18 U.S.C. § 4241(d). The court concludes that he is.

On April 5, 2006, Harvey was indicted for three counts of sexually assaulting a minor under 18 U.S.C. §§ 2241(c) and 2244(a)(1). On July 10, Chief Magistrate Judge Charles S. Coody granted the government's unopposed motion for Harvey to undergo a mental competency examination.

Harvey was evaluated at the Federal Detention Center in Miami, Florida, from July through September 2006. He underwent approximately four hours of psychological testing and clinical interviews by various psychology staff at the Center. A forensic report by Drs. Rodolfo A. Buigas and Jorge Luis was filed on October 11, 2006, and a hearing on the matter was held on this date, October 19.

Based upon this court's review of the forensic report, as well as the representations of counsel at the hearing, the court concludes, pursuant to 18 U.S.C. § 4241(d), that Harvey is not presently suffering from a mental disease or defect such that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

The court, however, makes no findings at this time respecting Harvey's mental competence at the time of the commission of the offense with which he is charged. See 18 U.S.C. § 4241(f). The court likewise makes no

findings at this time respecting Harvey's mental competence at the time he made statements in police custody, which is the subject of his pending motion to suppress those statements.

Accordingly, it is ORDERED that defendant Michael D. Harvey is declared mentally competent to stand trial in this case.

DONE, this the 19th day of October, 2006.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE